

tion was considered immediately and was adopted.

#### House Concurrent Resolution 3 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 3, Changing the inauguration date for the Governor and Lieutenant Governor of the State of Texas from 19 January 1965, to 26 January, 1965.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

#### Recess

On motion of Senator Aikin the Senate at 12:47 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

#### FOURTH DAY

(Continued)

(Tuesday, January 19, 1965)

#### After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

#### Senate Resolution 14

Senator Crump offered the following resolution:

Whereas, January 19, 1807 was the birthday of an individual who was destined to become one of the greatest Americans of all times; and

Whereas, this date is set apart in recognition of the noble life and character of General Robert E. Lee; and

Whereas, General Lee rendered military service in Texas prior to the outbreak of the War Between the States, after which he became the outstanding military leader of the Confederate forces in that War; and

Whereas, it is deemed appropriate to honor his memory; now, therefore, be it

Resolved, that when the Senate of Texas adjourns today, it do so in memory and in honor of General Robert E. Lee.

CRUMP

Signed—Preston Smith, Lieutenant-Governor; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted.

#### Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Hightower:

S. B. No. 42, A bill to be entitled "An Act amending Chapter 320, Acts of the 55th Legislature, Regular Session, 1957, relating to the liability of parents of minors under the age of eighteen and over the age of 10 who maliciously and wilfully damage or destroy certain property; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Ratliff:

S. B. No. 43, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter of the 39th Judicial District of Texas; fixing a maximum and minimum salary to be paid in addition to compensation for transcripts, statement of facts and other fees; and fixing allowance for travel and hotel expense, providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Ratliff:

S. B. No. 44, A bill to be entitled "An Act amending Sec. 2, Art. 7057c, Revised Civil Statutes of Texas (Acts 1934, 43rd Legislature, 3rd Called Session, Page 8, Chapter 6), relating to oleomargarine; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Parkhouse:

S. B. No. 45, A bill to be entitled "An Act amending Chapter 137, Acts of the Fifty-sixth Legislature, 1959, otherwise known as Article 6079f, Vernon's Annotated Civil Statutes of the State of Texas, as amended; providing for the addition of Section 23(a) and Section 23(b) so as to exclude from coverage of this Act any Joint Board of Park Commissioners of any two (2) adjacent counties wherein the park facility or facilities thereby governed and controlled by said Joint Board of Park Commissioners, lie wholly within the boundaries of one of said counties; providing that in the event a Joint Board of Park Commissioners presently exists in conflict with the hereinabove stated condition, then the obligations, duties, and control of said facility or facilities shall revert to and be assumed by the county wherein they lie wholly within, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Moore and Ratliff:

S. B. No. 46, A bill to be entitled "An Act amending House Bill 104, Acts of the 41st Legislature, First Called Session 1929, Chapter 65, as amended, relating to the regulation of the practice of barbering; amending Articles 728, 729, 730, 731, 732, and 733, Revised Penal Code of Texas, 1925; providing the powers, duties and compensation of the State Board of Barber Examiners; providing the powers and duties of other State officials relating to the regulation of barber shops and schools of barbering; providing penalties; making other provisions relating to the practice of barbering, barber training and schools of barbering; providing a repealing clause; providing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Watson:

S. B. No. 47, A bill to be entitled "An Act providing an exemption from the motor vehicle retail sales and use tax for certain sales and uses; adding Article 6.09 to Chapter 6, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To the Committee on State Affairs.

By Senator Watson:

S. B. No. 48, A bill to be entitled

"An Act relating to the appointment, compensation and duties of a shorthand reporter for the 146th Judicial District of Texas; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Crump:

S. B. No. 49, A bill to be entitled "An Act relating to the use of certain brick or tile products; providing a penalty; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Hall, Strong and Dies:

S. B. No. 50, A bill to be entitled "An Act to provide a sick leave policy for all teachers employed in the Texas Public Free Schools, setting out the Minimum Sick Leave Program, providing for reports to and administration through the Central Education Agency; providing for financing from the State Foundation School Fund; to take effect for the 1965-66 school year and thereafter; providing a severability clause, and declaring an emergency."

To the Committee on Education.

By Senator Watson:

S. B. No. 51, A bill to be entitled "An Act relating to information accompanying a person being admitted to a mental hospital; amending Section 63, Chapter 243, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Bates:

S. B. No. 52, A bill to be entitled "An Act abolishing Regional College Districts which have conveyed all or substantially all of their property to a State-supported Senior College or University, and which have no outstanding bonded indebtedness; providing for the continued collection and disposition of delinquent taxes in said Regional College Districts; repealing all laws and parts of laws in conflict herewith; providing a severability clause; and declaring an emergency."

To the Committee on Education.

By Senator Bates:

S. B. No. 53, A bill to be entitled "An Act amending Chapter 146, Acts of the Fifty-eighth Legislature, Regular Session, 1963 (compiled as Ar-

ticle 2619a, Vernon's Texas Civil Statutes), so as to add a new Section 3a conferring on the Board of Regents of Pan American College the power of eminent domain, providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Aikin for Senator Herring:

S. B. No. 54, A bill to be entitled "An Act providing for changes in the Firemen's Relief and Retirement Funds in certain cities in the state; amending Section 10D and adding Sections 6C, 7D, and 12B to Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended; providing for severability; providing for pending litigation; repealing all laws in conflict; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Word:

S. J. R. No. 9, A Joint Resolution proposing an amendment to Subdivisions (b) and (d), Section 51-b of the Constitution of the State of Texas, to provide for a State Parks Fund to be used for the acquisition, development and maintenance of state parks.

To the Committee on Constitutional Amendments.

By Senator Calhoun:

S. J. R. No. 10, A Joint Resolution proposing an amendment to Section 1-a of Article V of the Constitution of the State of Texas, by adding to said Section as presently written, the following provisions: requiring automatic retirement of District and Appellate Judges at age seventy-five (75) or such earlier age, not under seventy (70), as may be provided by law; creating a State Judicial Qualifications Commission and providing for its composition and the qualifications, methods of selection and terms of office of its members; defining the functions and procedures of said Commission, including the duty to investigate, and hold hearings in respect of, disability and misconduct of District and Appellate Judges and to make recommendations to the Supreme Court of Texas for involuntary retirement or removal of such Judges; empowering the Supreme Court of Texas, in its discretion, to retire such Judges for disability and

to remove them for misconduct upon recommendation of the aforesaid Commission and consideration of the record made before it; defining misconduct for which said Judges may be so removed; providing that the proceedings of said Commission shall be confidential until filed in the Supreme Court with recommendation for retirement or removal; and providing that the removal provisions hereby established shall be alternative to and cumulative of those provided elsewhere in the Constitution.

To the Committee on Constitutional Amendments.

#### Co-Author of Senate Bill 4

On motion of Senator Crump and by unanimous consent he will be shown as a co-author of S. B. No. 4.

#### Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 2, Providing Committees for the Canvass of Votes for the Governor and Lieutenant Governor and for the inauguration of the Governor and Lieutenant Governor.

S. C. R. No. 3, Memorializing the death of President John Fitzgerald Kennedy.

#### House Concurrent Resolution 4 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 4—Instructing the State Board of Control to close all entrances to the Capitol grounds to motor vehicles on January 26, 1965, except those vehicles approved by the Inaugural Committee.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 5 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 5—Providing for the closing of all state offices from 11:00 a.m. on January 26, 1965, so that all state officials and employees may witness the Inaugural Ceremony.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 6 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 6—Inviting the Honorable John Connally, Governor of the State of Texas, to address the Regular Session of the Fifty-ninth Legislature in Joint Session at 11:00 a.m. January 27, 1965.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

#### At Ease

On motion of Senator Aikin and by unanimous consent the Senate at 10:40 o'clock a.m. agreed to stand At Ease until 11:15 o'clock a.m. today.

#### In Legislative Session

The President called the Senate to order as In Legislative Session at 11:15 o'clock a.m.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Moore:

S. B. No. 55, A bill to be entitled "An Act relating to residence requirements for employees and officials of city governments; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Moore:

S. B. No. 56, A bill to be entitled "An Act relating to the days on which certain items may not be sold; amending Sections 1 and 5a, Chapter

15, Acts of the 57th Legislature, 1st Called Session, 1961; and declaring an emergency."

To the Committee on State Affairs.

By Senator Watson:

S. B. No. 57, A bill to be entitled "An Act prohibiting misprision of a felony; providing a penalty; exempting misprision of treason; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Watson:

S. B. No. 58, A bill to be entitled "An Act amending Section 24 of House Bill No. 407, Chapter 4, page 602 of the General Laws, Acts of the 46th Legislature, Regular Session, 1939, to provide for a right of survivorship agreement between husband and wife, to provide for the issuance of the certificate of title in the name of both; amending Section 35 of the same House Bill No. 407, relating to the issuance of a new certificate of title upon the transfer of title by operation of law; and declaring an emergency."

To the Committee on Jurisprudence.

#### Senate Concurrent Resolution 6

Senator Watson offered the following resolution:

S. C. R. No. 6, Requesting Legislative Council et al. to study assistance to municipalities in arterial streets, etc.

Whereas, In the past two decades Texas population has shifted from rural to urban, and the 1960 census showed that 81 per cent of the state's nine-and-a-half-million citizens reside in urban places; and

Whereas, Texans live in an automobile-oriented society, with over four million passenger cars registered in 1964, and projected figures show that by 1970 there will be more than seven million Texas-owned cars upon streets and highways within the state; and

Whereas, Traffic problems in Texas cities stem from the daily need to move large numbers of vehicles with safety and efficiency, and municipalities are hard-pressed to finance the added services incident to urban growth, particularly the construction and repair of streets used as main arteries of traffic flow within, around and through town; and

Whereas, When the Texas economy

was predominantly rural, the Texas Legislature established a farm-to-market road program, which provided assistance for county governments under authority of the Texas Highway Department in constructing, reconstructing and repairing county roads designated as farm-to-market roads; and

Whereas, The needs of an urban society are no less urgent and no less deserving, and some plan should be devised for providing assistance to municipalities so that adequate arterial streets may be constructed and maintained; now, therefore, be it

Resolved, by the Senate of the 59th Legislature, the House of Representatives concurring, That the Texas Legislative Council be and it is hereby requested to make a study of possible plans for establishing a program of assistance for municipalities in the construction of arterial streets, which are essential to the movement of traffic within, around and through urban areas; and be it further

Resolved, That the Texas Legislative Council, in working on the study, seek the cooperation of the Texas Highway Department, the Texas Research League, the Texas Municipal League, the Texas Farm Bureau, the Texas Farmers Union, the Texas Good Roads Association, the Association of General Contractors—Highway Division, and other associations and groups with an interest in the study; and be it further.

Resolved, That the proposed study shall in no way be interpreted as being designed to affect the Texas farm-to-market road program, nor shall any recommendations which may result from the study include proposals for an arterial street program which will include the use of funds now or subsequently authorized for the Texas farm-to-market road program; and be it further

Resolved, That the Texas Legislative Council be and it is hereby requested to complete the study and make a full report, together with recommendations and drafts of proposed legislation, to the 60th Legislature in Regular Session.

The resolution was read and was referred to the Committee on State Affairs.

#### Co-Author of Senate Bill 50

On motion of Senator Hall and by unanimous consent Senator Strong

will be shown as co-author of S. B. No. 50.

#### At Ease

The President at 11:25 o'clock a.m. announced the Senate would stand At Ease Subject to the Call of the Chair.

#### In Legislative Session

The President called the Senate to order as In Legislative Session at 11:29 o'clock a.m.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
January 19, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 8, Expressing appreciation to the City of Austin for more than a century and a quarter of service and to the Travis County Historical Survey Committee.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Concurrent Resolution 8 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 8, Expressing appreciation to the City of Austin for more than a century and a quarter of service and to the Travis County Historical Survey Committee.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted.

#### At Ease

The President announced at 11:35 o'clock a.m. that the Senate would stand At Ease Subject to the Call of the Chair.

#### In Legislative Session

The President called the Senate to order as In Legislative Session at 11:43 o'clock a.m.

**Message from the House**

Hall of the House of Representatives

Austin, Texas,  
January 19, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 4, Congratulating the Archer City High School football team on winning the State Crown.

H. C. R. No. 9, Providing for payment of necessary expenses for the inauguration of the Governor and Lieutenant Governor.

H. C. R. No. 10, Granting permission to either House to adjourn from Wednesday, January 20, 1965, to Monday, January 25, 1965.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**House Concurrent Resolution 9 on  
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 9, Providing for payment of necessary expenses for the inauguration of the Governor and Lieutenant Governor.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

**House Concurrent Resolution 10  
on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 10—Granting permission to either House to adjourn from Wednesday, January 20, 1965, to Monday, January 25, 1965.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was adopted.

**Welcome Resolutions**

S. R. No. 15—By Senators Herring and Dies: Extending welcome to 6th Grade Class of Zavala Elementary School of Austin.

S. R. No. 16—By Senators Herring and Dies: Extending welcome to Social Studies Class of Pearce Junior High School of Austin.

S. R. No. 17—By Senator Harrington: Extending welcome to Mrs. Myrtle Britt of Port Arthur.

S. R. No. 18—By Senator Harrington: Extending welcome to Mrs. Myrtle Williams of Port Arthur.

**Recess**

On motion of Senator Hardeman the Senate at 11:45 o'clock a.m. took recess until 10:00 o'clock a.m. tomorrow.

## In Memory of

# Robert Lee Thornton

Senator Parkhouse offered the following resolution:

(Senate Concurrent Resolution 5)

Whereas, The man who for almost half a century supplied much of the leadership and vision which was responsible for the growth and progress of Dallas died on February 15, 1964, at the age of 83; and

Whereas, Robert Lee Thornton had become so closely identified with the interests of his city that he was called "Mr. Dallas," a nickname in which he delighted; and

Whereas, During his administration as mayor from 1953 to 1961, Dallas Love Field was enlarged and a new city hall, library, and auditorium were built; and

Whereas, More than any other man, he was responsible for building the State Fair of Texas into the biggest state fair in the nation and played a leading role in attracting the Texas Centennial Celebration to Dallas in 1936; and

Whereas, His remarkable business career in Dallas began in 1916 when, with \$6,000 of borrowed money, he opened a bank and built it into the present Mercantile National Bank, a \$400,000,000 institution; and

Whereas, He introduced many innovations in the banking business and was the first banker in Dallas to make automobile loans; and

Whereas, In addition to serving as president and later chairman of the board of the Mercantile National Bank, he was a director of the Texas Short Railway Line, Lone Star Steel Company, Dallas Power and Light Company, Southwestern Life Insurance Company, Burrus Mills, Inc., and the Dallas Hotel Company; and

Whereas, He was organizer and a member of the Dallas Citizens Council, served as president of the Dallas Chamber of Commerce and the State Fair of Texas, and was a director of the Dallas Clearing House Association, the Dallas Chamber of Commerce, Southwestern Medical Foundation, Texas Research Foundation, the Community Chest, the Trinity Improvement Association, the Dallas Grand Opera Association, and the Dallas Symphony Orchestra; and

Whereas, Always retaining his interest in agriculture and outdoor life, he was owner and operator of a ranch raising Aberdeen-Angus cattle at Argyle, Texas, and was an ardent fisherman; and

Whereas, He was a member of the Methodist Church and a 33d Degree Mason; and

Whereas, He was a member of the Little Sandy Hunting and Fishing Club, the Dallas Country Club, the Lakewood Country Club, the Oak Cliff Country Club, and an honorary life member of the Dallas Rotary Club; and

Whereas, His slogan of "Keep the dirt flying" spurred the growth of Dallas as a leading business and cultural center and left his city a rich heritage of progress and good will; and

Whereas, He is survived by Mrs. Thornton, the former Mary Metta Stiles, whom he married on June 1, 1905; three children, Robert Lee Thornton, Jr., Mrs. Frank Holt, Jr., and Mrs. Ralph Brinegar; eight grandchildren and seven great-grandchildren, all of Dallas; now, therefore be it

Resolved, by the Senate, the House of Representatives concurring, That members of the 59th Legislature of Texas express their appreciation for the vibrant business and civic leadership of Robert Lee Thornton and for his immeasurable contributions to the City of Dallas and the State of Texas; and be it further

Resolved, That a copy of this resolution be sent to his family with our sympathy and profound respect and that when the Legislature adjourns this day it do so in memory of Robert Lee Thornton.

PARKHOUSE

Signed—Preston Smith, Lieutenant Governor; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Ratliff and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.